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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,899	06/28/2006	Wolfgang Hahn	3749	5032

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Striker, Striker & Stenby
103 East Neck Road
Huntington, NY 11743

EXAMINER

NGUYEN, TUYEN T

ART UNIT	PAPER NUMBER
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2832

MAIL DATE	DELIVERY MODE
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02/04/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/584,899	Applicant(s) HAHN ET AL.	
	Examiner TUYEN T. NGUYEN	Art Unit 2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-6 and 10-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-6 and 10-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5, applicant should clarify the “thickness” of the second insulating layer that is *chosen depending on the voltage maximally occurring between the two layers of both discs*.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-6 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baggermans [US 4,086,552] in view of Nichols [US 3,086,184].

Baggermans discloses a magnetic device [20, figure 2] comprising:

- a magnetic core [24];

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- a coil structure including first and second coil elements [22, 22'], each formed by a plurality of conductor strip layers insulated from each other by a first insulating layer, wherein the first and second coil elements can be connected in series or parallel; and
- a second insulating layer [28].

Baggermans inherently discloses a connecting means between the first and second coil elements and inherently discloses the first and second coil elements having *substantially the same number of layers* [column 2, lines 41-55, figure 2.]

The magnetic core [24] could be acting as a cooling element.

Baggermans et al. discloses the instant claimed invention except for the first and second coil elements being wound in an opposite sense.

The specific opposite sense winding direction of the coil elements would have been an obvious design consideration for the purpose of facilitating manufacturing.

Regarding claim 3, Baggermans discloses the instant claimed invention except for electrical connections of the outermost layer.

Nichols discloses a coil structure for a magnetic device comprising:

- a magnetic core [1];
- a coil structure [3] wound about the magnetic core, wherein the coil structure including a plurality of conductor strips/foils [7, 8] insulated by insulating layer [6]; and
- electrical connections [4, 4a, 4b] provided on the outermost and innermost layers.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include electrical connections in Baggermans, as suggested by Nichols, for the purpose of providing electrical connections.

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Regarding claim 5, Baggermans inherently discloses the insulating layer [28] having a continuous thickness *that is chosen depending on the voltage maximally occurring between the two coil elements*.

Regarding claim 6, Nichols discloses an insulating layer [2] disposed around the magnetic core.

Response to Arguments

Applicant's arguments filed 9/14/2009 have been fully considered but they are not persuasive.

Applicant argues that:

[1] It's not obvious matter of design consideration to wound the winding in opposite sense direction;

[2] Claims 11-12 are claiming a magnetic pole *for a magnetic levitation vehicle*; and

[3] Claim 13 *defines that a core provided with a similar pair of discs as in the Baggermans is used according to the present invention for the purpose of providing a magnetic pole having a better heat discharge instead of for a line transformer according to Baggermans*.

The Examiner disagrees.

Regarding [1], winding the coils/windings in opposite sense/direction around the magnetic core is obvious design consideration for the purpose of facilitating manufacturing or based on the intended applications/environments uses.

Regarding [2], the intended use of the magnetic device *for a magnetic levitation vehicle* is not given any patentable weight in claims 11-12. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the

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prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Regarding [3], the magnetic core of the line transformer in Baggermans is capable of providing heat discharge or acting as a cooling element. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUYEN T. NGUYEN whose telephone number is (571)272-1996. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ELVIN ENAD can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TUYEN T NGUYEN/
Primary Examiner, Art Unit 2832